

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION

CRIMINAL NO. 2:06CR34

UNITED STATES OF AMERICA )  
                               )  
                               )  
                               )  
vs.                           )                           ORDER  
                               )  
                               )  
TAFT WASHINGTON LANEY )  
                               )  
\_\_\_\_\_

THIS MATTER is before the Court on a letter received from the Defendant on January 15, 2008, which is construed by the Court as a motion to extend the time for filing an appeal and as a *pro se* notice of appeal of Defendant's conviction and sentence.

The Rules of Appellate Procedure provide that in a criminal case, [u]pon a finding of excusable neglect or good cause, the district court may . . . extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed [by this Rule].

**Fed. R. App. P. 4(b)(4).**

On August 31, 2007, this Court sentenced the Defendant to a term of 120 months imprisonment for a violation of 18 U.S.C. § 922(g)(1),

possession of a firearm by a felon. **See Judgment in a Criminal Case, filed September 25, 2007.** No notice of appeal was filed.

The Defendant presents no reason for his failure to timely appeal his case. Even if he did so, it would be outside the 30-day period provided by Rule 4. Therefore, the Court has no jurisdiction to extend the time for this Defendant to file his notice of appeal.

**IT IS, THEREFORE, ORDERED** that the Defendant's letter is construed as a motion to extend time for filing appeal, and the same is **DENIED** for lack of jurisdiction.

**IT IS FURTHER ORDERED** that the Defendant's letter is also construed as a *pro se* notice of appeal and, should the Fourth Circuit entertain Defendant's appeal, the appointment of appellate counsel is hereby respectfully referred to that Court.

Signed: January 18, 2008



Lacy H. Thornburg  
United States District Judge

